

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DENNIS COOK	:	CASE NO. C-1-02-073
	:	Judge Weber
Plaintiff,	:	
	:	
v.	:	
	:	
CITY OF NORWOOD, et al.	:	
	:	
Defendants.	:	

PLAINTIFF'S RESPONSE TO PLAINTIFF'S
MOTION TO STRIKE EXHIBIT E TO DEFENDANT CITY OF
NORWOOD'S OBJECTIONS TO
PLAINTIFF'S APPLICATION FOR ATTORNEY
FEES AND COSTS

Now comes the Plaintiff and for his response to the Defendant's Motion to Strike and states as follows:

The Plaintiff did not attach an Exhibit E to the Response to Defendant City of Norwood's Objections to Plaintiff's Application for Attorney Fees. The Plaintiff will respond anticipating the Plaintiff's objections are to Exhibit 8 of the attachment to its response to Norwood's objections to fees and expenses.

The Defendant Norwood's request for the information was never presented in a pleading requesting the documents to the Plaintiff's counsel in accordance with the Civil Rules. Defendant Norwood had in its possession many of the items of expense prior to making its informal request upon the Plaintiff. Many of the expenses are for deposition expenses, dividers, expert witness fees and expenses associated with the litigation of the case. The Defendant Norwood had its counsel attend the same depositions, prepare trial exhibit books, participate in conference calls, attended depositions at Quality Courts Motel, requested copies of tapes produced by the Plaintiff and Defendant Norwood

was the recipient of numerous documents obtained by the Plaintiff in preparation for trial. The attempt to strike the expenses is merely a shotgun approach to eliminate all expenses incurred by the Plaintiff. The expenses are available for the Court to review and if the Defendant Norwood desires to attack the expenses the Plaintiff does not object. The expenses are what the expenses are. The Plaintiff is entitled to his expenses. Defendant Norwood obviously assumes no one except Norwood incurred any expenses to compel Norwood to comply with federal and state law.

/s/Robert G. Kelly

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CERTIFICATE OF SERVICE

I hereby certify that on May 5, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification to the following: James F. Brockman, Esq., Attorney for Defendant Kevin Cross, Lawrence E. Barbieri, Esq., Attorney for Defendant City of Norwood, Steven Martin, Esq., Attorney for Defendant Gary Hubbard and McGregor Dixon, Jr., Esq., SHIPMAN, DIXON & LIVINGSTON CO., L.P.A., Attorney for Defendant Joseph Hochbein.

/s/Robert G. Kelly

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